

**SENATE . . . . . No. 742**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 742) of Cynthia S. Creem, Cheryl A. Jacques, Kay Khan, David P. Linsky and other members of the General Court for legislation to provide breast cancer patient protection. Insurance.

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**The Commonwealth of Massachusetts**

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In the Year Two Thousand and One.

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AN ACT PROVIDING BREAST CANCER PATIENT PROTECTION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32A of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby amended by inserting after  
3 section 17D the following section: —

4 Section 17E. The commission shall provide to any active or  
5 retired employee of the commonwealth who is insured under the  
6 group insurance commission coverage, for minimum of forty-  
7 eight hours of inpatient care following a mastectomy and a min-  
8 imum of twenty-four hours of inpatient care following a lymph  
9 node dissection for the treatment of breast cancer. Any decision to  
10 shorten these minimum stays shall be made by the attending  
11 physician in consultation with and upon agreement by the patient.  
12 If the patient participates in an early discharge, defined as in-  
13 patient care following a mastectomy that is less than forty-eight  
14 hours and inpatient care following a lymph node dissection for the  
15 treatment of breast cancer that is less than twenty-four hours, cov-  
16 erage shall include a minimum of one home visit conducted by a  
17 physician or registered nurse.

1 SECTION 2. Section 51 of chapter 111 of the General Laws, as  
2 appearing in the 1996 Official Edition, is hereby amended by  
3 adding the following: —

4 No hospital licensed pursuant to this section shall, for mastec-  
5 tomy and lymph node dissection patients, permit early discharge,

6 defined as inpatient care following a mastectomy that is less than  
7 forty-eight hours and inpatient care following a lymph-node dis-  
8 section for the treatment of breast cancer that is less than twenty-  
9 four hours, unless the early discharge is recommended by the  
10 attending physician in consultation with and upon agreement by  
11 the patient.

1 SECTION 3. Chapter 118E of the General Laws, as appearing  
2 in the 1996 Official Edition, is hereby amended by inserting after  
3 section 10A the following section:—

4 Section 10B. The division shall provide coverage for a min-  
5 imum of forty-eight hours of inpatient care following a mastec-  
6 tomy and a minimum of twenty-four hours of inpatient care  
7 following a lymph node dissection for the treatment of breast  
8 cancer. Any decision to shorten these minimum stays shall be  
9 made by the attending physician in consultation with and upon  
10 agreement by the patient. If the patient participates in an early dis-  
11 charge, defined as inpatient care following a mastectomy that is  
12 less than forty-eight hours and inpatient care following a lymph  
13 node dissection for the treatment of breast cancer that is less than  
14 twenty-four hours, coverage shall include a minimum of one home  
15 visit conducted by a physician or registered nurse.

1 SECTION 4. Chapter 175 of the General Laws, as appearing in  
2 the 1996 Official Edition, is hereby amended by inserting after  
3 section 47S the following section: —

4 Section 47T. Any blanket or general policy of insurance, except  
5 a blanket or general policy of insurance which provides supple-  
6 mental coverage to medicare or other governmental programs,  
7 described in subdivision (A), (C) or (D) of section one hundred  
8 and ten which provides hospital expense and surgical expense  
9 insurance and which is issued or subsequently renewed by agree-  
10 ment between the insurer and the policyholder, within or without  
11 the commonwealth, during the period this provision is effective,  
12 or any policy of accident or sickness insurance as described in  
13 section one hundred and eight which provides hospital expense  
14 and surgical expense insurance, except a policy which provides  
15 supplemental coverage to medicare or other governmental pro-  
16 grams, and which is delivered or issued for delivery or subse-

17 quently renewed by agreement between the insurer and the policy-  
18 holder in the commonwealth, during the period that this provision  
19 is effective, or any employees' health and welfare fund which pro-  
20 vides hospital expense and surgical expense benefits and which is  
21 promulgated or renewed to any person or group of persons in the  
22 commonwealth, while this provision is effective, shall provide  
23 benefits for expense of residents of the commonwealth covered  
24 under any such policy or plan, for the expense of a minimum of  
25 forty-eight hours of inpatient care following a mastectomy and a  
26 minimum of twenty-four hours of inpatient care following a  
27 lymph node dissection for the treatment of breast cancer. Any  
28 decision to shorten these minimum stays shall be made by the  
29 attending physician in consultation with and upon agreement by  
30 the patient. If the patient participates in an early discharge,  
31 defined as inpatient care following a mastectomy that is less than  
32 forty-eight hours and inpatient care following a lymph node dis-  
33 section for the treatment of breast cancer that is less than twenty-  
34 four hours, coverage shall include a minimum of one home visit  
35 conducted by a physician or registered nurse.

1 SECTION 5. Chapter 176A of the General Laws, as appearing  
2 in the 1996 Official Edition, is hereby amended by inserting after  
3 section 8S the following section:—

4 Section 8T. Any contract, except contracts providing supple-  
5 mental coverage to medicare or other governmental programs,  
6 between a subscriber and the corporation under an individual or  
7 group hospital service plan which shall be delivered, issued or  
8 renewed in the commonwealth shall provide, as a basic benefit to  
9 all individual subscribers and members within the commonwealth  
10 and to all group members having a principal place of employment  
11 within the commonwealth, for expense for a minimum of forty-  
12 eight hours of inpatient care following a mastectomy and a min-  
13 imum of twenty-four hours of inpatient care following a lymph  
14 node dissection for the treatment of breast cancer. Any decision to  
15 shorten these minimum stays shall be made by the attending  
16 physician in consultation with and upon agreement by the patient.  
17 If the patient participates in any early discharge, defined as in-  
18 patient care following a lymph node dissection for the treatment  
19 of breast cancer that is less than twenty-four hours, coverage shall  
20 include a minimum of one home visit conducted by a physician or  
21 registered nurse.

1 SECTION 6. Chapter 176B of the General Laws, as so  
2 appearing, is hereby amended by inserting after section 4Q the  
3 following section:—

4 Section 4R. Any subscription certificate under an individual or  
5 group medical service agreement, except certificates which pro-  
6 vide supplemental coverage to medicare or other governmental  
7 programs, which shall be delivered, issued or renewed in the com-  
8 monwealth shall provide, as a basic benefit to all individual sub-  
9 scribers and members within the commonwealth and to all group  
10 members having a principal place of employment within the com-  
11 monwealth for expense for a minimum of forty-eight hours of in-  
12 patient care following a mastectomy and a minimum of  
13 twenty-four hours of inpatient care following a lymph node dis-  
14 section for the treatment of breast cancer. Any decision to shorten  
15 these minimum stays shall be made by the attending physician in  
16 consultation with and upon agreement by the patient. If the patient  
17 participates in an early discharge, defined as inpatient care  
18 following a lymph node dissection for the treatment of breast  
19 cancer that is less than twenty-four hours, coverage shall include a  
20 minimum of one home visit conducted by a physician or regis-  
21 tered nurse.

1 SECTION 7. Section 4 of chapter 176G of the General Laws,  
2 as so appearing, is hereby amended by adding at the end of the  
3 first paragraph the following sentence:— Such health maintenance  
4 contract shall also provide coverage for inpatient care following a  
5 mastectomy and inpatient care following a lymph node dissection  
6 for the treatment of breast cancer as set forth in section forty-  
7 seven R of chapter one hundred and seventy-five.

1 SECTION 8. Said chapter 176G of the General Laws, as  
2 appearing in the 1996 Official Edition, is hereby amended by  
3 inserting after section 4I of the following section:—

4 4J. Any health maintenance contract shall provide coverage for  
5 inpatient care following a mastectomy and inpatient care  
6 following a lymph node dissection for the treatment of breast  
7 cancer in accordance with section four. Such coverage shall  
8 include a minimum of forty-eight hours of inpatient care  
9 following a mastectomy and a minimum of twenty-four hours of

10 inpatient care following a lymph node dissection for the treatment  
11 of breast cancer. Any decision to shorten these minimum stays  
12 shall be made by the attending physician in consultation with and  
13 upon agreement by the patient. If the patient participates in an  
14 early discharge, defined as inpatient care following a mastectomy  
15 that is less than forty-eight hours and inpatient care following a  
16 lymph node dissection for the treatment of breast cancer that is  
17 less than twenty-four hours, coverage shall include a minimum of  
18 one home visit conducted by a physician or registered nurse.

1 SECTION 9. No policy or plan covered under this act shall ter-  
2 minate the services, deselect, reduce capitation payment, or other-  
3 wise penalize an attending physician or other health care provider  
4 for ordering care consistent with the provisions of this act. For the  
5 purposes of this section, the words "health care provider" shall  
6 include the attending physician and hospital.





